

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AF
Rajesh K. Garg et al.)	
Application No.: 10/649,787)	Group Art Unit: 1791
Filing Date: August 28, 2003)	Examiner: JOSE A FORTUNA
Title: METHOD AND APPARATUS FOR)	Confirmation No.: 5592
PREPARING A SLURRY OF ADD-ON)	
MATERIAL TO BE APPLIED TO A)	
WEB)	

**AMENDMENT/REPLY TRANSMITTAL LETTER FOR
REQUEST TO WITHDRAW ADVISORY ACTION OF JUNE 9, 2008**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is enclosed.
- ☐ _____ Terminal Disclaimer(s) and the ☐ \$ 65 ☐ \$ 130 fee per Disclaimer due under 37 C.F.R. § 1.20(d) are enclosed.
- ☐ Also enclosed is/are: _____
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$ 405 ☐ \$ 810 fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted _____ on _____ for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☐ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	0	20	0	x \$ 50 (1202)	\$ 0
Independent Claims	0	3	0	x \$ 210 (1201)	0
<input type="checkbox"/> If Amendment adds multiple dependent claims, add \$ 370 (1203)					\$ 0
Total Claim Amendment Fee					\$ 0
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					0
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0

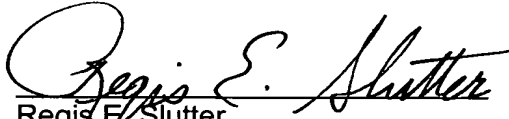
- ☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to credit card for the fee due. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date June 18, 2008

By:


Regis E. Slutter
Registration No. 26999

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620



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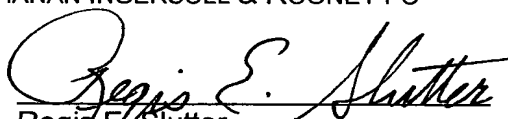
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Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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REQUEST TO WITHDRAW ADVISORY ACTION OF JUNE 9, 2008

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Alexandria, VA 22313-1450

Sir:

Applicants hereby request that the improper Advisory Action be withdrawn and that prosecution be reopened in accord with 37 C.F.R. §41.39(b)(1), as previously requested.

On November 29, 2007, an Examiner's Answer in the above-identified patent application was mailed to applicants' counsel. The Examiner's Answer contained a new ground of rejection. (See page 9.) The Examiner's Answer therefore presented two options: (1) reopening prosecution; or (2) maintaining the appeal. A two-month period for response was set forth in the Examiner's Answer.

On January 25, 2008, within the two-month period for response to the new ground of rejection, applicants submitted a Request to Reopen Prosecution Under 37 C.F.R. 41.39(b)(1) and Reply Under 37 C.F.R. 1.111. In that document, at page 8, applicants further indicated that supplemental information, including a declaration pursuant to 37 C.F.R. §1.132, would be submitted in due course.

On March 13, 2008, a Supplemental Reply Under 37 C.F.R. §1.111 was submitted, along with the Declaration by Rajesh K. Karg and Tony Phan Under 37 C.F.R. §1.132, to which reference had previously been made in the filing of January 25, 2008.

Despite this record, the Advisory Action of June 9, 2008, asserted that (i) the applicants' submissions of January 25 and March 13 were not limited to canceling claims and (ii) the declaration was not filed before the appeal brief. The Advisory Action then refused entry.

Applicants have clearly elected to reopen prosecution of this application according to the Patent Office rules and have timely provided sufficient documentation and arguments consistent with those rules. The only basis for refusing to reopen prosecution is that a request has not been filed within the two-month time period. As set forth above, however, a reply was, indeed, timely filed.

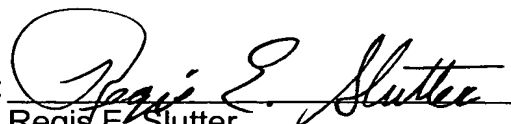
Accordingly, the Advisory Action dated June 9, 2008, is improper and should be withdrawn. Moreover, prosecution should be reopened based on the materials submitted on January 25, 2008, and March 13, 2008.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: June 18, 2008

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